

## **RESPONSE**

The undersigned submits the following in reference to the specific concerns that the examiner raised in the Office Action Summary dated August 23, 2005.

### **CLAIM REJECTION UNDER 35 USC 112**

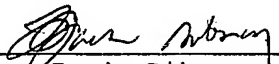
The examiner has rejected Claims 1 through 8, under 35 USC 112, second paragraph, as failing to point out the invention that is being claimed. The undersigned has amended the claims to distinctly point out the elements of the invention and to address the specific concerns of the examiner.

### **REJECTIONS UNDER 35 USC § 103**

The examiner has rejected this application as unpatentable over **Anderson** 5,005,667 in view of **Seals** 4,924,970. **Anderson** discloses a cabinet step assembly, which is attached to the cabinet. **Seals** teaches a cabinet mounted step assembly.

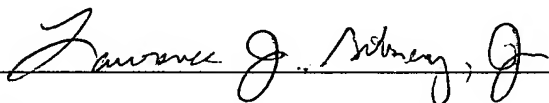
The device in this case, unlike **Anderson**, is completely portable and is designed to be moved from place to place. **Anderson** does not allow this portability and is limited to a use under a cabinet structure. The applicant concedes that the structures in both **Anderson** and the current application are similar and operate to address the same need but the structure in this case is sufficiently different.

The undersigned would request that the examiner consider the remarks of the undersigned with the amendments to the claims and put this application in line for allowance.

  
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**CERTIFICATE OF MAILING**

I hereby certify that this document for Application 10/796,919 is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated below and is addressed to Darla Lynn, P.O. Box 421, Georgetown, California 95634 and to:  
  
Commissioner for Patents, Washington, DC 20231.

By:   
Print Name: Lawrence J. Gibney, Jr.  
Date: 9/7/05